

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0519.02 Brita Darling x2241

HOUSE BILL 22-1399

HOUSE SPONSORSHIP

Ortiz and Boesenecker, Esgar

SENATE SPONSORSHIP

Ginal,

House Committees
Health & Insurance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONSUMER PROTECTION RELATING TO MUSIC THERAPY**
102 **SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill makes it a deceptive trade practice under the "Colorado Consumer Protection Act" if a person claims to be a "board-certified music therapist" or "music therapist", uses the title "music therapist", uses the abbreviation "MT-BC", or in any other way indicates or implies that the person is a music therapist unless the person holds an active music therapist board-certified credential administered by the Certification

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 28, 2022

Board for Music Therapists.

Any person who unlawfully claims to be a music therapist commits a class 2 misdemeanor.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** Music therapy is the
3 clinical, evidence-based use of music interventions to accomplish
4 individualized goals for people of all ages and ability levels within a
5 therapeutic relationship with a credentialed professional who has
6 completed an approved music therapy program. The general assembly
7 hereby finds and declares that the use of the title "music therapist" affects
8 consumers in choosing services and that the use of the title "music
9 therapist" should be regulated for the purpose of protecting consumers.

10 **SECTION 2.** In Colorado Revised Statutes, 6-1-707, **add** (1)(f)
11 as follows:

12 **6-1-707. Use of title or degree - deceptive trade practice.** (1) A
13 person engages in a deceptive trade practice when, in the course of the
14 person's business, vocation, or occupation, the person:

15 (f) (I) (A) CLAIMS EITHER ORALLY OR IN WRITING TO BE A
16 "BOARD-CERTIFIED MUSIC THERAPIST" OR "MUSIC THERAPIST" OR USES
17 THE ABBREVIATION "MT-BC" OR ANY OTHER WORDS, LETTERS,
18 ABBREVIATIONS, OR INSIGNIA INDICATING OR IMPLYING THAT THE PERSON
19 IS A MUSIC THERAPIST UNLESS THE PERSON HOLDS AN ACTIVE MUSIC
20 THERAPIST BOARD-CERTIFIED CREDENTIAL ADMINISTERED BY THE
21 CERTIFICATION BOARD FOR MUSIC THERAPISTS.

22 (B) NOTHING IN THIS SUBSECTION (1)(f) PROHIBITS A PERSON FROM
23 PERFORMING WORK, INCLUDING THE USE OF MUSIC, INCIDENTAL TO THE
24 PERSON'S PROFESSION OR OCCUPATION, IF THAT PERSON DOES NOT

1 REPRESENT THAT THE PERSON IS A MUSIC THERAPIST.

2 (II) A PERSON WHO USES ANY OF THE TITLES, WORDS, LETTERS,
3 ABBREVIATIONS, OR INSIGNIA SPECIFIED IN SUBSECTION (1)(f)(I)(A) OF
4 THIS SECTION SHALL MAKE AVAILABLE FOR IMMEDIATE INSPECTION BY
5 ANY CONSUMER OR AGENT OF THE STATE THE PERSON'S BOARD-CERTIFIED
6 CREDENTIAL ADMINISTERED BY THE CERTIFICATION BOARD FOR MUSIC
7 THERAPISTS.

8 (III) PRIOR TO CHARGING A PERSON WHO VIOLATES THIS SECTION
9 WITH A CLASS 2 MISDEMEANOR PURSUANT TO SECTION 6-1-114, THE
10 ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY SEEK AN ASSURANCE OF
11 DISCONTINUANCE OF THE DECEPTIVE TRADE PRACTICE FROM THE PERSON
12 VIOLATING THIS SECTION OR INITIATE OTHER LAWFUL REMEDIES OR
13 PENALTIES.

14 **SECTION 3.** In Colorado Revised Statutes, **amend** 6-1-114 as
15 follows:

16 **6-1-114. Criminal penalties.** (1) Any person who promotes a
17 pyramid promotional scheme in this state commits a class 1 misdemeanor,
18 as defined in section 18-1.3-501.

19 (2) Any person who violates article 230 of title 12 or section
20 6-1-701, **6-1-707 (1)(f)**, or 6-1-717 commits a class 2 misdemeanor.

21 **SECTION 4. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly; except that, if a referendum petition is filed pursuant
25 to section 1 (3) of article V of the state constitution against this act or an
26 item, section, or part of this act within such period, then the act, item,
27 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2022 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.

4 (2) This act applies to conduct occurring on or after the applicable
5 effective date of this act.